

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

BURRELL J. KING,

Plaintiff,

v.

Case No: 6:23-cv-1007-CEM-LHP

NEW BEGINNINGS CREDIT
SOLUTIONS, LLC,

Defendant

ORDER

This cause came on for consideration without oral argument on the following motion filed herein:

MOTION: MOTION FOR ENTRY OF CLERK'S DEFAULT (Doc. No. 11)

FILED: September 11, 2023

THEREON it is ORDERED that the motion is DENIED without prejudice.

Plaintiff moves for Clerk's default against Defendant, stating that Defendant was served on June 21, 2023 but has failed to appear or otherwise defend. Doc. No. 11. Upon review, however, the motion fails to comply with Local Rules 1.08 and

3.01(a). In addition, the motion fails to adequately address, with citation to legal authority, that service of process on Defendant was proper, specifically that serving “Kevin Zingg” as “Manager” at a private mailbox was sufficient under governing law. *See generally United States v. Donald*, No. 3:09-cv-147-J-32HTS, 2009 WL 1810357, at *1 (M.D. Fla. June 24, 2009) (before a Clerk’s default can be entered against a defendant, the Court must determine that the defendant was properly served). Finally, the motion appears to be untimely under Local Rule 1.10(b), which Plaintiff does not address in the motion.

For these reasons, Plaintiff’s motion (Doc. No. 11) is **DENIED without prejudice**. Any renewed motion must address these issues and must include a memorandum of legal authority establishing that service of process was proper under applicable law.

DONE and ORDERED in Orlando, Florida on September 12, 2023.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties